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LETTER DATED 12 NOVEMBER 1993 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I should like to refer to your statement of 28 October 1993 following consultations with members of the Security Council (S/26661). According to that statement, the members of the Council requested that a report be submitted as soon as possible on the responsibility, inter alia, for an incident on 25 October 1993 in which two humanitarian aid convoys were subject of an attack near Novi Travnik in central Bosnia.

Attached please find a report by the United Nations Protection Force (UNPROFOR) containing the conclusions of a board of inquiry established to investigate the incident, as well as the action taken in following up on the findings of the Board.

I should like to avail myself of this opportunity to express my condolences to the Government of Denmark and the family of the driver, Mr. Bjarne Nielsen, who was killed in the above incident. The personnel involved in the delivery of humanitarian assistance in Bosnia and Herzegovina deserve the admiration of the international community for their courage and determination in pursuing this difficult and dangerous task.

(Signed) Boutros BOUTROS-GHALI

Annex

Report on the attack on two United Nations convoys near Novi Travnik on 25 October 1993

I. DESCRIPTION OF THE INCIDENT

1. The attack upon two humanitarian convoys, a Danish Refugee Council convoy operating under the auspices of the United Nations High Commissioner for Refugees (UNHCR) and a convoy of UNPROFOR's Netherlands Transport Battalion which, inter alia, delivers humanitarian aid for UNHCR, began at approximately 0830 local time on 25 October 1993, close to the confrontation line between Bosnian government forces and Croatian Defence Council (HVO) forces near the village of Trenica, south of Novi Travnik in Bosnia and Herzegovina. The first Danish Refugee Council convoy consisted of 10 trucks and a lead car, all driven by civilian drivers. The Netherlands convoy consisted of seven trucks, two jeeps and an ambulance, all driven by Netherlands military personnel.

2. As a result of the attack, the Danish Refugee Council convoy sustained one fatality and one casualty and the UNPROFOR convoy sustained nine casualties. The route on which the incident occurred (United Nations Route Diamond) has been closed for all humanitarian convoys since the incident.

3. In accordance with existing regulations and procedures, immediately following the incident, an UNPROFOR Bosnia and Herzegovina Command board of inquiry was established, consisting of five members, in order to examine reports on the incident and to determine its cause. A Joint UNPROFOR Civil Police/Military Police investigation team was established to carry out the investigation. Two of its members were also appointed members of the Board of Inquiry. A preliminary report of the Joint Investigation Team was completed on 29 October 1993. The final report was completed on 3 November 1993, taking into consideration testimonies and evidence available at the time.

II. FINDINGS OF THE INVESTIGATION

4. The Board of Inquiry concluded, based on the result of the joint investigation, that the convoys entered into the area unaware that a battle had just begun between HVO and Bosnian government forces. They were then directly targeted from a position on the west hill at grid YJ 936133 by two or three soldiers with light machine-guns. The evidence collected by the investigation indicated that the cabins of the vehicles were the principal target. The possibility that some impacts may have been the result of crossfire is considered highly improbable, given the geography of the area of the incident, the angles of penetration and the preponderance of hits on the cabins. The investigation concluded that the attacks upon the convoys were carried out by a few individuals, and the killing of the civilian driver was, with high probability, a deliberate act. The evidence available has led the Board to conclude that the attack on both convoys was deliberate.

5. The investigation revealed that Bosnia and Herzegovina forces had infiltrated HVO positions in the area the night before the attack. The position

from which the targeting of the convoys occurred was considered to have been held by Bosnian forces at the time of the incident. The investigation thus concluded that, with high probability, the responsibility for the attack lies with soldiers of the Bosnian government forces.

III. UNITED NATIONS ACTIONS FOLLOWING THE INCIDENT

6. Upon the advice of his Special Representative and in close consultation with UNHCR, the Secretary-General decided to suspend humanitarian convoys in central Bosnia until an investigation of the incident had been carried out and credible guarantees for safe passage had been obtained from the warring parties. This decision was transmitted to President Izetbegovic and Mr. Boban by the High Commissioner's Special Envoy in the evening of 25 October 1993.

7. Based on the initial information on the incident, the Commander of UNPROFOR Bosnia and Herzegovina Command sent a letter to the Commander of the Bosnian Army stating that "the attack on them [the convoys] must be considered as deliberate and unprovoked", and requested him to investigate the incident. Similarly, after the initial report of the joint investigation was concluded, the Special Representative of the Secretary-General, in a letter on 2 November 1993, requested the two parties to complete their investigation and forward to him the results before 5 November 1993. President Izetbegovic, in his response on 4 November 1993, informed my Special Representative that the convoys were "caught in crossfire", and "unaimed bullets hit the driver". Mr. Boban had earlier sent a letter conveying "our assurances and the firm determination of the Croat side to facilitate ... unconditional and completely free activity on the territory of the Croatian Republic of Herzeg-Bosna and unhindered and secure movement on the roads under HVO control in accordance with agreed principles".

8. On 9 November 1993, Mr. Stoltenberg met with Prime Minister Silajdzic in Sarajevo and Mr. Boban in Split to discuss the finding of the Board of Inquiry, as well as to seek credible assurances for safe passage of humanitarian convoys. Mr. Stoltenberg discussed the conclusion of the Board of Inquiry that the death of the driver, Mr. Bjarne Nielsen, was, with high probability, a deliberate act and that it was highly probable that the firing came from an area controlled by Bosnian government forces. Mr. Stoltenberg said it was incumbent upon the responsible authorities to ensure that the person or persons responsible were arrested and brought to justice. It was also imperative that immediate measures be taken by all responsible authorities to prevent further attacks on humanitarian convoys and United Nations personnel and to guarantee their safety.

9. Mr. Silajdzic and Mr. Boban expressed to Mr. Stoltenberg their deep regret over the death of the driver and the injuries to others. They suggested that further measures of cooperation be pursued together with UNPROFOR for the improvement of the security of humanitarian relief convoys, and pledged their support for that endeavour.

10. It is intended that a meeting will be convened in Geneva, under the auspices of UNHCR, to discuss further measures required on the part of all parties concerned to ensure the safety and security of humanitarian workers and UNPROFOR personnel.